

Customer No. 27061
Confirmation No. 4528

Patent
Attorney Docket No. GEMS8081.055

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Gupta et al.
Serial No : 09/747,647
Filed : December 22, 2000
For : Method and Apparatus for Reporting the Status
of Work in Progress
Group Art No. : 3627
Examiner : Gort, E.

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

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SUPPLEMENTAL REPLY BRIEF RESPONSIVE TO EXAMINER'S ANSWER
MAILED FEBRUARY 10, 2009

Dear Sir:

This Supplemental Reply Brief is being filed in response to the Examiner's Answer mailed February 10, 2009.

SUPPLEMENTAL REPLY BRIEF

Claims 1-21 stand rejected in the present application. Claims 15-21 stand rejected under 35 U.S.C. §101. Claims 1-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Martin et al. (USP 5,809,479) in view of Dietrich et al. (USP 6,032,121) and further in view of Schoenberg et al. (USP 6,322,502).

In the Examiner's Answer mailed July 19, 2007, the Examiner withdrew the rejection of claim 4 under 35 U.S.C. §112, second paragraph. The Examiner maintained the rejection of claims 1-21 under 35 U.S.C. §103(a) and the rejection of claims 15-21 under 35 U.S.C. §101 and dismissed all of the arguments in regards to these claims that were set forth by Appellant in the Appeal Brief of March 12, 2007. Appellant submitted a Reply Brief on September 19, 2007, that addressed those arguments that had been set forth by the Examiner in the Examiner's Answer.

Subsequent to this, an Order Returning Undocketed Appeal to Examiner was issued on January 9, 2009 by the BPAI returning the Examiner's Answer to the Examiner for correction. The Examiner has now prepared a corrected Examiner's Answer that was mailed to Appellant on February 10, 2009. While the Examiner's Answer has been corrected to comply with §1207.02 of the MPEP, the content of the Answer is identical to the Examiner's Answer that was issued on July 19, 2007. As such, Appellant believes that the Reply Brief filed on September 19, 2007 addresses the assertions of the Examiner set forth in the corrected Examiner's Answer of February 10, 2009. In the Reply Brief of September 19, 2007, Appellant set forth arguments in response to statements made by the Examiner in the most recent Examiner's Answer. Therefore, Appellant believes that no further remarks are necessary.

In view of the remarks contained in the Appeal Brief of March 12, 2007 and the Reply Brief of September 19, 2007, Appellant respectfully submits that claims 1-21 are patentably distinct over the art of record. Accordingly, Appellant respectfully requests

that the Board find claims 1-21 patentable over the prior art of record, direct withdrawal of all outstanding rejections, and direct the present application be passed to issuance.

Respectfully submitted,

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Dated: April 9, 2009
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